

SPECIAL EDUCATION GRADUATION GUIDELINES

State Rules
for Special
Education
VII.C

Administrative
Rule 277–705—
Secondary School
Completion and
Diplomas



Utah State Office of Education

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August 2008

ACKNOWLEDGEMENTS

The Utah State Office of Education (USOE), Special Education Services, formed a committee to develop the *USOE Graduation Guidelines for Students with Disabilities* for local education agency (LEA) use when developing and implementing their LEA graduation procedures.

The Utah State Office of Education appreciates the time and effort spent by those who volunteered to serve as committee members and contributed to the development of this document.

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FOREWORD

Graduation with a high school diploma is a goal of virtually all students and families of students enrolled in Utah's high school programs. While the process of earning a diploma and participating in the high school graduation ceremony may be clear for most students, it is sometimes unclear for students with a disability who are served under an Individualized Education Program (IEP).

The purpose of these *USOE Graduation Guidelines for Students with Disabilities* is to assist IEP teams to make informed decisions about graduation options for students with disabilities.

Graduation Guidelines for Students with Disabilities

IDEA Requirements

The Individuals with Disability Education Improvement Act (IDEA 2004) addresses graduation as follows:

- The obligation to make a free and appropriate public education (FAPE) available to all children with disabilities does not apply with respect to children with disabilities who have graduated from high school with a regular high school diploma.
- Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice.
- The term *regular high school diploma* does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED).
- An evaluation is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

The federal government has traditionally given states the authority to develop specific educational programs, including curriculum and graduation requirements. The Utah State Board of Education, through administrative rules, has set minimum requirements that students must complete in order to earn a high school diploma; local education agencies (LEAs) may set additional requirements. These requirements apply to all Utah students, regardless of disability or English language acquisition status.

Administrative Rule R277-705 (<http://www.rules.utah.gov/publicat/code/r277/r277-705.htm>) contains criteria that LEAs and students must follow to earn a diploma or a certificate of completion:

R277-705-4. Diplomas and Certificates of Completion.

- A. School districts or schools shall award diplomas and certificates of completion.
- B. School districts or schools shall offer differentiated diplomas to secondary school students and adults to include:
 - (1) a high school diploma indicating on the diploma that a student successfully completed all state and district course requirements for graduation and passed all subtests of the UBSC (Utah Basic Skills Competency Test).
 - (2) a high school diploma indicating on the diploma that a student did not receive a passing score on all UBSC subtests; the student shall have:
 - (a) met all state and district course requirements for graduation; and
 - (b) beginning with the graduating class of 2007, participated in UBSC remediation consistent with school district or school policies and opportunities; and
 - (c) provided documentation of at least three attempts to take and pass all subtests of the UBSC unless:

- (i) the student took all subtests of the UBSCT offered while the student was enrolled in Utah schools; or
 - (ii) a student's IEP team has determined that the student's participation in statewide assessment is through the UAA (Utah's Alternate Assessment).
- C. School districts or schools shall establish criteria for students to earn a certificate of completion that may be awarded to students who have completed their senior year, are exiting the school system, and have not met all state or district requirements for a diploma.

Participation in Graduation Ceremonies

As noted in R277-705-4-A, school districts or schools are given the responsibility to award diplomas or certificates of completion.

- School districts or schools are also responsible for determining how students with or without disabilities participate in ceremonies where such documents may be awarded.
- The USOE (Utah State Office of Education) Special Education Section recommends that LEAs clearly define in district policies or procedures, the criteria for participation in graduation ceremonies by students who have not met graduation requirements. The USOE also recommends that the criteria for participation in graduation ceremonies be established district-wide, rather than at the individual school level.
- LEAs should make these policies or procedures available to students, parents, and LEA staff. This information should also be made available to the public.

UBSCT/UAA Participation

R277-705-4-B (2)(ii) allows the IEP team to waive UBSCT participation if a student has historically participated in Utah's Alternate Assessment (UAA). Utah's Alternate Assessment is designed for students with significant cognitive disabilities. To participate in UAA, the IEP team must determine that the student meets all of the following criteria:

- The student has a current IEP that documents the need for an alternate assessment,
- The student demonstrates cognitive ability and adaptive skill levels that prevent completion of the general academic core curriculum, even with instructional accommodations,
- The student requires extensive individualized instruction in multiple settings to transfer and generalize skills, and
- The student is unable to participate in any other component of the statewide assessment system, even with test accommodations.

The Rule continues with further clarification regarding criteria for earning a diploma by students with disabilities:

R277-705-5. Students with Disabilities.

- A. A student with disabilities served by special education programs shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP.
- B. A student may be awarded a certificate of completion or a differentiated diploma, consistent with state and federal law and the student's IEP or Section 504 Plan.

Amending Graduation Requirements

R277-705-5-A, consistent with the Utah State Special Education Rules VII.C.2, allows the IEP team to amend graduation requirements. Amendments may include modifications, substitutions, and/or exemptions made to accommodate the needs of the individual student; the nature and extent of any amendments must be documented in the IEP.

While the USOE does not define "modifications, substitutions, and/or exemptions," IEP teams might wish to consider the following guidelines:

- Documentation of any amendments should be cumulative in nature so that the IEP team is able to accurately discuss the student's progress toward earning a diploma.
- Amendment of graduation requirements through course substitutions should be made in similar content areas whenever possible in order to provide the student a well-rounded education. For example, the team may choose to substitute a Basic Math class for Algebra I. This would be more educationally sound than substituting Ceramics for Algebra I. As always, the team, including the parents, will make the final determination regarding any amendment of graduation requirements.
- When making amendments, the team should consider unintended consequences for the student's post-school activities. Substituting functional courses for math requirements, for example, may require the student to take remedial math courses in higher education (at regular tuition prices, with no credit earned). In addition, exempting a student from world language classes may negatively affect college admission.
- When amending graduation requirements, the IEP team should consider the effect on the student's progress toward achieving his/her measurable post-secondary goals. For example, it may be beneficial to substitute a food and nutrition class for a science credit if a student's career goal is in the culinary arts. The same substitution may not be appropriate for a student who is interested in a career that would require a knowledge base in science, such as nursing.
- Exemptions to graduation requirements may occasionally be determined necessary by the IEP team. The IEP team should be cautious in recommending exemptions, as the outcome may not be beneficial to students.

Adult Education Programs

Adult Education programs are available to individuals 16 years of age and older who are no longer enrolled in public education programs, or whose high school class has graduated and who do not have a high school diploma. These programs are located in all school districts as well as several community/faith-based organizations. Contact information is available at

<http://www.schools.utah.gov/adulted/public/documents/AdultEducationSiteDirectory.pdf>

Programs may emphasize English language acquisition and competency and basic skills in reading, writing, math and problem solving, in addition to academic/credit courses leading to an adult secondary diploma. Students wishing to earn a high school diploma should consider enrolling in an Adult High School Completion program; students whose literacy and numeracy skills are below the ninth grade level and who wish to improve those skills should consider enrolling in an adult education program.

Students with disabilities may enroll in Adult Education programs; students who do not have a high school diploma are still eligible for a FAPE while in Adult Education until they reach maximum age (22) or receive an Adult Education Secondary Diploma.

General Educational Development (GED) Certificate

The GED, although not a “high school equivalency” diploma in Utah, is frequently accepted as an alternative to a high school diploma by most post-secondary institutions, financial aid institutions, and employers. Receipt of a GED does not end an LEA's obligation to provide a FAPE to eligible students.

Individuals are eligible for GED testing if they are 18 and their high school class has graduated, or if they are 17 and their high school class has not graduated. Students 16 and younger are currently not eligible for GED testing.

Up to five units of credit based on GED test results may be applied toward an Adult Education Secondary Diploma at the discretion of the local boards of education. These credits cannot be applied toward a regular high school diploma. GED credits cannot duplicate credits already awarded for a high school diploma.

For more information, see: <http://www.utahged.info>.

Frequently Asked Questions About Graduation

When does FAPE end?

A student's right to a FAPE ends when the student has graduated from high school with a regular high school diploma or when the student reaches maximum age for eligibility ("ages out"). In Utah, a student "ages out" at age 22, leaving school either at the LEA's winter break or the end of the school year, depending on the student's birthday.

A student's eligibility for FAPE also terminates when a student receives an Adult Secondary Education Diploma through an Adult Education program.

Are any procedural safeguards required when a student with disabilities graduates from high school?

Yes. Graduation from high school with a regular high school diploma is a change in placement. The student and parent must receive prior written notice of this change a reasonable amount of time before the LEA proposes to terminate the student's eligibility under the IDEA by issuing the student a diploma; notification within 30 days of graduation would provide ample time for the parent or adult student to obtain legal guidance and file for a due process hearing, triggering the stay-put provision of IDEA. The prior written notice and notice of change of placement are generally included in a special education form titled "Prior Written Notice of Change of Placement in Special Education."

Can a student who has graduated with a diploma continue to receive special education services under IDEA until age 22?

No. Graduation with a regular high school diploma ends the student's eligibility for a FAPE under IDEA and Utah Special Education Rules. Students who have earned high school diplomas may be eligible to attend Adult Basic Education classes if they lack sufficient basic educational skills to function effectively in society or to obtain or maintain employment; however, these students are not eligible for a FAPE.

Can an LEA offer differentiated diplomas or certificates of completion?

Yes. Administrative Rule R277-705 requires that LEAs offer a high school diploma, available to all students, that is differentiated by whether or not the student passed the UBSCCT, and a certificate of completion. Utah does not recognize other types of documents (e.g., GED, IEP diploma, vocational diploma) as high school diplomas.

May an LEA use different wording on a diploma?

Yes. LEAs may offer different wording as long as the wording does not identify a student as a student with a disability. For example, the diploma for a student who participated in the UAA instead of the UBSCCT, would contain wording such "Did not pass all subtests of the UBSCCT" and have no reference to the student's participation in the UAA.

Must an LEA waive diploma requirements for students with disabilities?

No. The IEP team may choose to amend graduation requirements by modification, substitution, and/or exemption, but is not required to do so.

Does a student who completes goals and objectives defined in the IEP automatically graduate with a regular diploma?

No. Graduation requirements for a diploma, above the state-required minimum, are set by the LEA. While all students are eligible to work toward a diploma, and may eventually earn one, special education eligibility does not guarantee that a student will be awarded a diploma. All students who earn a high school diploma must meet LEA graduation requirements, although the IEP team may amend the requirements for an individual student.

Many LEAs allow students with disabilities to participate in graduation ceremonies without awarding the student a diploma; this may lead the student and his/her family to assume that the student has “graduated” from high school.

IEP teams, including the student and the student’s parents, should discuss school exit options annually at IEP meetings beginning prior to ninth grade, when students start to earn credits needed for a diploma. These exit options could include earning a diploma or a certificate of completion or staying in school until age 22.

IEP teams should also discuss the LEA’s policies or procedures regarding participation in graduation ceremonies by students who have not completed all graduation requirements.

If a student with an IEP completes the LEA’s requirements for a high school diploma, must the student be awarded a diploma?

Yes. When LEA diploma requirements have been met, the student must be awarded the diploma.

May the student who has earned a diploma continue to receive special education services, including transition services?

No. The obligation of the LEA to make a FAPE available does not apply to students who have graduated with a regular high school diploma. This reiterates the importance of early planning for school completion and agency collaboration.

Can an LEA set specific requirements for participation in graduation ceremonies?

Yes. Decisions about participation in graduation ceremonies are made at the LEA level. USOE Special Education recommends that LEAs clearly define local policies and procedures and make them available to students, parents, and LEA staff.

Frequently Used Acronyms

FAPE – Free and appropriate public education

GED – General Educational Development certificate

IEP – Individualized Education Program

IDEA – Individuals with Disabilities Education Improvement Act of 2004

LEA – Local Education Agency; includes all 40 Utah school districts, the Utah Schools for the Deaf and the Blind, and all public charter schools

UAA – Utah's Alternate Assessment

UBSCT – Utah Basic Skills Competency Test

USOE – Utah State Office of Education

Glossary

Accommodations. The actual teaching supports and services that the student may require to successfully demonstrate learning. Accommodations should not change expectations to the curriculum grade levels.

Modifications. Changes made to curriculum expectations in order to meet the needs of the student. Modifications are made when the expectations are beyond the student's level of ability. Modifications may be minimal or very complex depending on the student performance, and must be clearly acknowledged in the IEP.

Exemptions. Freedom from an obligation; permission or entitlement not to do something that others are obliged to do